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COLLEGES, INC., DAVID MOORE, and
JACK D. MASSIMINO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

UNITED STATES OF AMERICA, EX
REL. NYOKA LEE and TALALA
MSHUJA.

Plaintiffs.

vs.

CORINTHIAN COLLEGES, INC., et al.,

Defendants.

Case No. CV 07-01984 PSG (MANx)

**DEFENDANTS CORINTHIAN
COLLEGES, INC., DAVID MOORE,
AND JACK D. MASSIMINO'S
REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
MOTION FOR SANCTIONS AND
ATTORNEYS' FEES**

Judge: Honorable Philip S. Gutierrez
Courtroom: 880
Date: June 13, 2013
Time: 1:30 p.m.

1 Defendants Corinthian Colleges, Inc., David Moore, and Jack D. Massimino
 2 (the “School Defendants”) respectfully request that the Court take judicial notice of
 3 Exhibits 1 and 2 hereto in connection with the School Defendants’ Motion for
 4 Sanctions and Attorneys’ Fees.

5 Pursuant to Federal Rule of Evidence 201, the Court may take judicial notice
 6 of a fact “not subject to reasonable dispute [if] it (1) is generally known within the
 7 trial court’s territorial jurisdiction; or (2) can be accurately and readily determined
 8 from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid.
 9 201(b). The Court may take judicial notice of the matters below.

10 **1. Court Orders In Other *Qui Tam* Cases**

11 *First*, the School Defendants request that the Court take judicial notice of the
 12 court order listed below as Exhibit 2 for the purpose of establishing that settlement
 13 amounts and relators’ awards and attorneys’ fees in a previous *qui tam* action
 14 against another career college were publicly disclosed. Exhibit 2 is a publicly filed
 15 document in court proceedings involving substantially similar allegations to the
 16 claims in this action. It is available on PACER. The Court may take judicial notice
 17 of pleadings and papers with other courts in related proceedings. *See Burbank-*
Glendale-Pasadena Airport Auth. v. City of Burbank, 136 F.3d 1360, 1364; *MGIC*
Indem. Corp. v. Weisman, 803 F.2d 500, 504 (9th Cir. 1986); *Kuan v. U.S. Customs*
Serv., No. CV 08-1980-DDP, 2009 WL 6340016, at *1 n.3 (C.D. Cal. Dec. 16,
 21 2009) (“The Court may take judicial notice of matters of public record, including
 22 court records in a related proceeding.”); *In re Edward Jones Holders Litig.*, 453 F.
 23 Supp. 2d 1210, 1217 n.8 (C.D. Cal. 2006) (judicial notice of related proceedings).

24 **2. Statements on Attorneys’ Public Biographical Websites**

25 *Second*, the School Defendants request the Court to take judicial notice of
 26 statements in Relators’ counsel’s publicly available biographical website, a copy of
 27 which is attached as Exhibit 1 hereto. The fact that Relators’ counsel’s public
 28 website contains specific descriptions of counsel’s experience can be accurately and

1 readily determined and therefore is judicially noticeable. *See, e.g., In re Dykstra,*
2 2012 WL 2131848, at *8 & n. 39 (C.D. Cal. June 12, 2012) (taking judicial notice of
3 law firm web biography of law firm partner); *Gerber v. Riordan*, 2012 WL 366543,
4 at *9 (N.D. Ohio 2012) (taking judicial notice of biographical page of law professor
5 on law school website); *see also, e.g., Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d
6 956, 965 (C.D. Cal. 2005) (taking judicial notice of Amazon.com web pages for
7 books authored by plaintiff's physician).

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10 **Exhibit**

Description

- 11 1 Biography of Scott D. Levy,
12 <http://www.kilburnlaw.com/attorneys/scott-d-levy/> (visited April 13,
13 2013)
- 14 2 Order of Dismissal, *U.S. ex rel. Hendow v. Univ. of Phoenix*, No. S-
15 03-0457 GEB DAD (E.D. Cal. Dec. 17, 2009)

16 Respectfully submitted,

17 DATED: April 18, 2013

MUNGER, TOLLES & OLSON LLP
18 Blanca F. Young
Achyut J. Phadke

19 By: _____ /s/ Achyut J. Phadke
20 _____
ACHYUT J. PHADKE

21 Attorneys for Defendants
22 CORINTHIAN COLLEGES, INC.,
23 DAVID MOORE, and JACK D.
MASSIMINO